

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE ANNUITY, WELFARE, APPRENTICESHIP SKILL
IMPROVEMENT & SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 15, 15A, 15C and 15D, AFL-CIO by its TRUSTEES
JAMES T. CALLAHAN, FRANCIS P. DIMENNA,
ROBERT SHAW and RUSSELL SHAW, and JOHN and
JANE DOE, as Beneficiaries of the ANNUITY, WELFARE,
APPRENTICESHIP SKILL IMPROVEMENT & SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 15, 15A, 15C and 15D, AFL-CIO,

Plaintiffs,

-against-

CAR-WIN CONSTRUCTION, INC.,

Defendant.
-----X

**NOTICE OF MOTION
FOR DEFAULT JUDGMENT**

07-CIV-10342 (PAC)

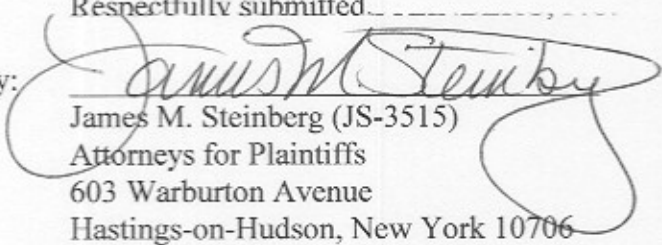
PLEASE TAKE NOTICE, that upon the Affidavit of JAMES M. STEINBERG, ESQ.,
sworn to on the 7th day of January, 2008, Plaintiffs' Statement of Damages, and upon all of the prior
papers and proceedings heretofore served and had herein, Plaintiffs, by their attorneys BRADY
McGUIRE & STEINBERG, P.C., will move this court, at the United States Courthouse located at
500 Pearl Street, New York, New York, before the Honorable Paul A. Crotty, on a date and time to
be set by the court, for a judgment of default against Defendant CAR-WIN CONSTRUCTION,

INC. pursuant to Rule 55(a) of the Federal Rules of Civil Procedure in the amount of \$41,417.54, together with such other and further relief as this Court may deem just, proper and equitable.

Dated: Hastings-on-Hudson, New York
January 7, 2008

Respectfully submitted

By:



James M. Steinberg (JS-3515)
Attorneys for Plaintiffs
603 Warburton Avenue
Hastings-on-Hudson, New York 10706
(914) 478-4293

TO: CAR-WIN CONSTRUCTION, INC.
1361A Monmouth Road
Eastampton, New Jersey 08060

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE ANNUITY, WELFARE, APPRENTICESHIP SKILL
IMPROVEMENT & SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 15, 15A, 15C and 15D, AFL-CIO by its TRUSTEES
JAMES T. CALLAHAN, FRANCIS P. DIMENNA,
ROBERT SHAW and RUSSELL SHAW, and JOHN and
JANE DOE, as Beneficiaries of the ANNUITY, WELFARE,
APPRENTICESHIP SKILL IMPROVEMENT & SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 15, 15A, 15C and 15D, AFL-CIO,

DEFAULT JUDGMENT

07-CIV-10342 (PAC)

Plaintiffs,

-against-

CAR-WIN CONSTRUCTION, INC.,

Defendant.
-----X

This action having been commenced on November 15, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the Defendant CAR-WIN CONSTRUCTION, INC. on December 18, 2007, by a Process Server, personal service upon Donna Christie, an authorized agent in the office of the New York State Secretary of State, and proof of service having been filed on December 26, 2007 through the ECF System, and the Defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is,

ORDERED, ADJUDGED AND DECREED: That the Plaintiffs have judgment against Defendant CAR-WIN CONSTRUCTION, INC. in the principal amount of \$27,776.88, with interest at 8.25% as prescribed by the Plan from July 1, 2005 through January 7, 2008 in the amount of \$5,774.56 and statutory damages in the amount of \$5,774.56, together with the costs and

disbursements of this action in the amount of \$452.79 and attorneys' fees in the amount of \$1,638.75, for a total liquidated amount of \$41,417.54, and it is further

ORDERED that the Judgment rendered by the Court on this day in favor of the Plaintiffs be entered as a final judgment against Defendant CAR-WIN CONSTRUCTION, INC., and the Clerk of the Court is directed to enter such Judgment forthwith.

Dated: New York, New York
January __, 2008

SO ORDERED:

Paul A. Crotty, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE ANNUITY, WELFARE, APPRENTICESHIP SKILL
IMPROVEMENT & SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 15, 15A, 15C and 15D, AFL-CIO by its TRUSTEES
JAMES T. CALLAHAN, FRANCIS P. DIMENNA,
ROBERT SHAW and RUSSELL SHAW, and JOHN and
JANE DOE, as Beneficiaries of the ANNUITY, WELFARE,
APPRENTICESHIP SKILL IMPROVEMENT & SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 15, 15A, 15C and 15D, AFL-CIO,

CLERK'S CERTIFICATE

07-CIV-10342 (PAC)

Plaintiffs,

-against-

CAR-WIN CONSTRUCTION, INC.,

Defendant.
-----X

I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on November 15, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint was personally served on Defendant CAR-WIN CONSTRUCTION, INC. on December 18, 2007, by, a process server, personal service upon Donna Christie an authorized agent in the office of the New York State Secretary of State, and proof of service was filed on December 26, 2007 through the ECF System.

I further certify that the docket entries indicate that the Defendant has not filed an answer nor otherwise moved with respect to the Complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
January 15, 2008

J. MICHAEL McMAHON
Clerk of the Court

By: 

Deputy Clerk